IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1317 OF 2007

Nabilal Mohammed Hussain Bombaywala. ..Petitioner.

Versus

State of Maharashtra
and 2 Ors. ..Respondents.

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None for the Petitioner.
Mr.M.S.Mhambre, APP, for the State.

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CORAM : R.M.S.KHANDEPARKAR AND SMT.V.K.TAHILRAMANI,JJ.

DATED : SEPTEMBER 07, 2007.

P.C.:-

1. Heard the learned APP for the State. None appeared for the Petitioner.

2. The petitioner had preferred an application for furlough which came to be rejected on the ground that the surety was not competent surety. Being aggrieved thereby, this Writ Petition has been preferred.

3. The learned APP has pointed out that the

application came to be rejected as earlier the petitioner was released on furlough on three occasions and he has overstayed the period of furlough. On 4.9.2000 to 20.9.2000 the petitioner was released on furlough, but, he surrendered late. Thereafter on 12.11.2004 to 29.11.2004 he was released on furlough, he surrendered back late. Thereafter on 1.11.2005 to 1.6.2006 the petitioner was released on furlough, however, on this occasion again the petitioner did not surrender back in time. He overstayed the period of furlough by 183 days and he had to be traced and arrested by the police and brought back to prison.

4. The main reason for the authorities for rejecting the application is that the surety who is wife of the petitioner was not a competent surety. The material to reach this conclusion is that on earlier occasions when the petitioner was released on furlough his wife stood surety for him and the petitioner did not surrender back in time on all the three occasions. Hence the authorities felt that she was not a

competent surety. On these grounds, the furlough application came to be rejected. The learned APP has pointed out that the person who stood as surety on all earlier occasions was the petitioner's wife - Kamarunissa Nabilal Bombaywala however despite her standing as surety for the petitioner she could not ensure that the petitioner surrendered back in time.

5. Looking to all the above facts, we cannot find any fault with the authorities rejecting the application of the petitioner for furlough. No interference is called for. Writ Petition is rejected.

. Jail authorities to communicate this order to the petitioner who is in Yervada Central Prison at Pune.

[R.M.S.KHANDEPARKAR,J.]

[SMT.V.K.TAHILRAMANI,J.]